

REGULAR MEETING of the Town Council to be held on Wednesday, September 14, 2005 at 7:50 o'clock P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Councilors Jacqueline Zahn, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: Council President Wallace F. Lees Councilor was excused.

1. Council Vice President Jacqueline Zahn led those present in pledging allegiance to the flag. The pledge was followed by a moment of silence in memory of the victims of Hurricane Katrina.

2. VOTED to accept the minutes of the regular meeting held August 24, 2005 and dispense with the reading of said minutes.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Public Comment: None

General Good and Welfare:

Councilor Margaret L. Dudley noted the improved appearance of the Downtown Pascoag area resulting from the demolition of the old department store.

Cheri R. Hall, Director of Parks & Recreation, announced a National Prayer Remembrance Day to be held Friday, September 16 at 7:30 P.M. at the Town Commons.

Michael C. Wood, Town Manager, noted that the Burrillville Arts Festival was scheduled for September 17 and 18, 2005.

Petitions: None

Special Business:

05-289 VOTED to adopt a resolution establishing the National Incident Management System (NIMS) as the standard for incident management.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley,

Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-290 VOTED to grant a Class F (One Day) Liquor License to Nasonville Volunteer Fire Department to apply at the Fall Chowder & Clam Cake Fundraiser to be held at 2577 Victory Highway, Nasonville (Map 114, Lot 32) on September 25, 2005.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present.

Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Unfinished Business:

05-274 VOTED to open the correspondence from Councilor Jacqueline Zahn regarding her request to discuss the status of the Burrillville Extended Care (BEC) program; and draft of a proposed amendment to the ordinances of the Town of Burrillville related to BEC; to be referred to the Ordinance Subcommittee.

Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline

Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Councilor Jacqueline Zahn reported that, as liaison to the Burrillville Extended Care (BEC) program, she had met with the Town Manager and Town Solicitor relative to the program and recommended that the proposed ordinance could be referred to the Ordinance Subcommittee. Michael C. Wood, Town Manager, presented a revision of the proposed ordinance and discussed the details of the proposal. Mr. Wood explained that, under the proposal, BEC would conform to the requirements of other divisions overseen by the Town Council.

VOTED that the amended proposal be referred to the Ordinance Subcommittee.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

New Business:

05-291 VOTED to open criteria and procedures for an applicant to follow in applying and qualifying for a Disability Tax Credit, established by James R. Drew, Tax Assessor, for approval.

Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: James R. Drew, Tax Assessor, explained that the criteria would be the final phase of the modifications made to the tax credit program. Mr. Drew pointed out that the Town Council had adopted an ordinance that allows for disabled persons ineligible for social security determination to apply for a disability tax credit and that the ordinance required that he establish criteria, with Town Council approval. Mr. Drew reported that the proposed criteria were designed to mirror as closely as possible the criteria used by the Social Security Administration. There was discussion about whether an application fee could be charged.

VOTED to table.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members

present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-292 VOTED to open the correspondence from John P. Mainville, Finance Director, regarding his recommendations relative to the School Administration Building:

- a) that a contract be awarded to Kurbiec Construction provided the final details can be agreed upon by the Town Manager and Town Solicitor in an amount that would not exceed \$642,000;
- b) that a contingency amount of \$28,000 be authorized by the Town Council;
- c) that the \$30,000 of School CIP designated for security and communications be freed up and incorporated into the total amount available for construction.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED to amend recommendation a), which was originally for \$642,000, to \$609,600.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED that a contract be awarded to Kurbiec Construction provided the final details can be agreed upon by the Town Manager and Town Solicitor in an amount that would not exceed \$609,600.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED to amend item b) in the original agenda from \$28,000 to \$31,000.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley,

Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED approval of the contingency amount of \$31,000.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED that the \$30,000 of School CIP designated for security and communications be freed up and incorporated into the total amount available for construction.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED that an additional amount of \$30,000 be transferred from the School Capital Improvement line item. Note: The School Committee approved the use of \$50,000 on August 23, 2005. At this time only

\$30,000 is required.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-293 VOTED to open the correspondence from Barbara A. Von Villas, Ph.D., regarding the School Committee's request that the Town Council approve the participation of the Town's Personnel Board in the search for a new superintendent.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Councilor Jacqueline Zahn asked whether the request was for the Personnel Board to conduct the search and asked that the specific role of the Personnel Board be clearly outlined.

VOTED to approve the School Committee's request that the Town

Council approve the participation of the Town's Personnel Board in the search for a new superintendent.

Motion by Councilor Nancy F. Binns. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present.

Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-294 Correspondence from Barbara A Von Villas, Ph.D., regarding the School Committee's request to meet with the Burrillville Town Council.

VOTED to set up a meeting separate from the budget meeting at the call of the chair.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-295 VOTED to open the correspondence from Michael McMahon, Executive Counselor to the Governor on Economic Growth and

Community Development, regarding future funding of the Community Economic Development Program.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Michael C. Wood, Town Manager, described the effectiveness of the Community Economic Development program and recommended that the Town Council support efforts to reinstate funding for the program.

VOTED to send a letter of support to the Governor, the Senate and House leaders, with a copy to Michael McMahon, Executive Counselor to the Governor on Economic Growth and Community Development.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-296 VOTED to open the proposed amendments to the Ordinances of the Town of Burrillville, §8-55, Class B & C license rules related to application for permission to serve alcoholic beverage on a deck or patio; for first reading and scheduling of a public hearing.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Councilor William A. Andrews recommended that the hearing be scheduled before the next regular meeting of the Town Council.

VOTED to schedule a public hearing for September 28, 2005.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-297 VOTED to receive and open the proposed amendments to the Ordinances of the Town of Burrillville, Chapter 8, Businesses and Licensing, by adding §8-28. Insurance Requirements; for first reading and scheduling of a public hearing.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Councilor William A. Andrews recommended that the hearing be scheduled before the next regular meeting of the Town Council.

VOTED to schedule a public hearing for September 28, 2005.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-298 VOTED to open the proposed amendments to the Ordinances of the Town of Burrillville §26-30, Overnight Parking Prohibited, by adding Mowry Park a/k/a/ Snizek property; for first reading and scheduling of a public hearing.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Councilor William A. Andrews commented on the nice work done at Mowry Park and recommended that the hearing be scheduled before the next regular meeting of the Town Council.

VOTED to schedule a public hearing for September 28, 2005.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-299 VOTED to award the bid for the concrete block retaining wall

for the football field located at Burrillville High School to J & R Precast, Inc. in the amount of \$20,446.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-300 VOTED to receive with regret the resignation of Jason M. Rhodes from the Bicentennial Committee and refer the matter to the Screening Subcommittee.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-301 VOTED to accept with regret the resignation of Brian P. Lanoie from the Library Building Committee and refer the vacancy to the Screening Subcommittee.

Motion by Councilor William A. Andrews. Seconded by Councilor

Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Michael C. Wood, Town Manager, spoke of the excellent work done by Brian P. Lanoie on several boards through the years and recommended that a letter of commendation and appreciation be sent to Mr. Lanoie.

05-302 Correspondence from Councilor Jacqueline Zahn, Chair, Screening Subcommittee regarding the Subcommittee's recommendations.

VOTED to appoint Aaron Coutu to the Library Fundraising Committee.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED to appoint Jo-Ann Libby to the Historic District Commission.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Council Vice President Jacqueline Zahn noted that there were no other applicants for these positions.

05-303 VOTED to open the correspondence from Council President Wallace F. Lees regarding scheduling of several meetings and workshop.

Motion by Councilor William E. Gonyea. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Discussion: Council Vice President Jacqueline Zahn reviewed the schedule:

Schedule

Wednesday, October 5, 2005, 7:00 P.M. Workshop Burrillville Historic

District Commission

**Saturday, October 15, 2005, 9:00 A.M. Special Meeting Manager's
Evaluation**

**Wednesday, November 2, 2005, 7:00 P.M. Workshop School
Committee**

Budget Board

**Monday, November 21, 2005, 10:00 A.M. Special Meeting Liquor
License Renewals**

Cancel

Wednesday, November 23, 2005 Cancel Regular Meeting

Wednesday, December 28, 2005 Cancel Regular Meeting

VOTED to adopt all.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

05-304 VOTED to receive and file the correspondence from Cheri R. Hall, Director of Parks & Recreation, regarding the Snakes Alive 5K Road Race to be held on Sunday, October 9, 2005 at 11:30 A.M.

Motion by Councilor William E. Gonyea. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Town Clerk/Communication:

05-305 MOTION to support the resolutions of the Providence City Council and the Town Council of the Town of East Greenwich that those municipalities shall not exercise power of eminent domain upon private residential property and transfer it to a private developer.

Motion by Councilor William E. Gonyea. Seconded by Councilor William A. Andrews. The motion failed, three in favor, three opposed, one excused. Voting in favor of the motion were Councilors William A. Andrews, Ronald E. Faford and William E. Gonyea. Voting in opposition were Councilors Jacqueline Zahn Nancy F. Binns and Margaret L. Dudley. Council President Wallace F. Lees was excused.

05-306 VOTED to receive and file the correspondence from the Providence City Council regarding the city's initiative to promote the use of clean, renewable energy.

Motion by Councilor William A. Andrews. Seconded by Councilor Nancy F. Binns. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Additional New Business:

05-307 VOTED to grant the request for Executive Session from Town Manager Michael C. Wood pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for discussions and considerations related to the acquisition, sale and exchange of real property including but not limited to Map 160, Lot 65 and §42-46-5(a)(2) for discussions pertaining to IBPO collective bargaining; and from Walter J. Kane, Town Solicitor, pursuant to Rhode Island Open Meeting Law §42-46-5(a)(2) for discussions pertaining to litigation.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline

Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

The Town Council returned to open session at 9:25 P.M.

VOTED to seal the minutes of the executive session, noting that one vote had been taken.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

VOTED to adjourn at 9:25 P.M.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees was excused.

Louise R. Phaneuf, Town Clerk